

AMENDED IN SENATE MAY 31, 2011

AMENDED IN SENATE APRIL 26, 2011

SENATE BILL

No. 753

Introduced by Senator Padilla

February 18, 2011

An act to amend Section 313 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 753, as amended, Padilla. Pupils: English learners: assessment.

Existing law requires each school district that has one or more pupils who are English learners to assess the English language development of each of those pupils in order to determine the level of proficiency of those pupils. The assessment primarily consists of the administration of the California English Language Development Test (CELDT) that assesses pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills, and pupils in kindergarten and grade 1 in English listening and speaking. Existing law requires that the assessment be conducted upon initial enrollment, and annually thereafter during a period of time determined by the Superintendent of Public Instruction and the State Board of Education, until the pupil is redesignated as English proficient.

This bill, *commencing with the 2013–14 school year*, would require the annual assessment to be conducted during a 3-month test period commencing with the day upon which 65% of the instructional year is completed, and would provide ~~that these provisions, as well as the provisions requiring an initial and annual assessment, would not be implemented until the current test publisher's contract expires~~ *which assessment is to be used for purposes of an initial enrollment*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 313 of the Education Code is amended
2 to read:
3 313. (a) Each school district that has one or more pupils who
4 are English learners shall assess ~~each pupil's~~ the English language
5 development of *each pupil* in order to determine the level of
6 proficiency for the purposes of this chapter.
7 (b) ~~The State Department of Education~~ *department*, with the
8 approval of the ~~State Board of Education~~ *state board*, shall
9 establish procedures for conducting the assessment required
10 pursuant to subdivision (a) and for the reclassification of a pupil
11 from English learner to ~~proficient in English~~ *proficient*.
12 (c) Commencing with the 2000–01 school year ~~to the 2012–13~~
13 *school year, inclusive*, the assessment shall be conducted upon
14 initial enrollment, and annually, thereafter, during a period of time
15 determined by the Superintendent of ~~Public Instruction~~ and the
16 ~~State Board of Education~~ *state board*. The annual assessments
17 shall continue until the pupil is redesignated as English proficient.
18 The assessment shall primarily utilize the English language
19 development test identified or developed by the Superintendent
20 of ~~Public Instruction~~ pursuant to Chapter 7 (commencing with
21 Section 60810) of Part 33 of *Division 4 of Title 2*. ~~Prior to~~
22 ~~completion of the English language development test, a school~~
23 ~~district shall use either an assessment instrument developed by the~~
24 ~~school district or an assessment recommended by the State~~
25 ~~Department of Education.~~
26 (d) (1) *Commencing with the 2013–14 school year, the annual*
27 *assessment shall be conducted during a three-month test period*
28 *commencing with the day upon which 65 percent of the*
29 *instructional year is completed. Annual assessments shall continue*
30 *until the pupil is redesignated as English proficient. The annual*
31 *assessment shall primarily utilize the English language*
32 *development test identified or developed by the Superintendent*
33 *pursuant to Chapter 7 (commencing with Section 60810) of Part*
34 *33 of Division 4 of Title 2.*

(2) *The school district shall conduct an assessment of a pupil at the pupil's initial enrollment to determine if the pupil is an English learner and shall use, for this purpose, the prior year's annual assessment for the grade in which the pupil is enrolling.*

~~(d)~~

(e) The reclassification procedures developed by the ~~State Department of Education~~ *department* shall utilize multiple criteria in determining whether to reclassify a pupil as proficient in English, including, but not limited to, all of the following:

(1) Assessment of language proficiency using an objective assessment instrument, including, but not limited to, the English language development test *that is developed or acquired* pursuant to Section 60810.

(2) Teacher evaluation, including, but not limited to, a review of the pupil's curriculum mastery.

(3) Parental opinion and consultation.

(4) Comparison of the ~~pupil's~~ *performance of the pupil* in basic skills against an empirically established range of performance in basic skills based upon the performance of English proficient pupils of the same age, that demonstrates whether the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.

~~(e) It is the intent of the Legislature that nothing in this section~~

(f) *This section does not* preclude a school district or county office of education from testing English ~~language~~ learners more than once in a school year if the school district or county office of education chooses to do so.

SECTION 1. ~~Section 313 of the Education Code is amended to read:~~

313. ~~(a) Each school district that has one or more pupils who are English learners shall assess the English language development of each pupil in order to determine the level of proficiency for the purposes of this chapter.~~

~~(b) The department, with the approval of the state board, shall establish procedures for conducting the assessment required pursuant to subdivision (a) and for the reclassification of a pupil from English learner to English language proficient.~~

~~(c) (1) The assessment shall be conducted upon initial enrollment and annually thereafter during a three-month test period~~

1 ~~commencing with the day upon which 65 percent of the~~
2 ~~instructional year is completed. Annual assessments shall continue~~
3 ~~until the pupil is redesignated as English proficient. The assessment~~
4 ~~primarily shall utilize the English language development test~~
5 ~~identified or developed by the Superintendent pursuant to Chapter~~
6 ~~7 (commencing with Section 60810) of Part 33 of Division 4 of~~
7 ~~Title 2.~~

8 ~~(2) This subdivision shall not be implemented until the current~~
9 ~~test publisher's contract expires.~~

10 ~~(d) The reclassification procedures developed by the department~~
11 ~~shall utilize multiple criteria in determining whether to reclassify~~
12 ~~a pupil as proficient in English, including, but not limited to, all~~
13 ~~of the following:~~

14 ~~(1) Assessment of language proficiency using an objective~~
15 ~~assessment instrument, including, but not limited to, the English~~
16 ~~language development test that is developed or acquired pursuant~~
17 ~~to Section 60810.~~

18 ~~(2) Teacher evaluation, including, but not limited to, a review~~
19 ~~of the pupil's curriculum mastery.~~

20 ~~(3) Parental opinion and consultation.~~

21 ~~(4) Comparison of the performance of the pupil in basic skills~~
22 ~~against an empirically established range of performance in basic~~
23 ~~skills based upon the performance of English-proficient pupils of~~
24 ~~the same age, that demonstrates whether the pupil is sufficiently~~
25 ~~proficient in English to participate effectively in a curriculum~~
26 ~~designed for pupils of the same age whose native language is~~
27 ~~English.~~

28 ~~(e) This section does not preclude a school district or county~~
29 ~~office of education from testing English learners more than once~~
30 ~~in a school year if the school district or county office of education~~
31 ~~chooses to do so.~~